

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7671

Application of Green Mountain Clean Energy,)
LLC, for authority, pursuant to 30 V.S.A. §§ 246)
and 248, to install a temporary meteorological)
station in Bolton, Vermont)

Order entered: 10/15/2010

I. INTRODUCTION

In this Order, the Vermont Public Service Board ("Board") approves the application filed by Green Mountain Clean Energy, LLC ("GMCE" or the "Petitioner"), pursuant to 30 V.S.A. §§ 246 and 248, and the Board's Order implementing standards and procedures under this section ("Procedures Order"),¹ and grants the Petitioner a certificate of public good ("CPG") authorizing the installation of a temporary meteorological station located in the Town of Bolton, Vermont (the "Project").

II. BACKGROUND

This case involves an application and prefiled testimony filed by the Petitioner on September 1, 2010, requesting that the Board issue a CPG, pursuant to 30 V.S.A. §§ 246 and 248, authorizing the construction of the facility identified above.

A copy of the application in this docket was sent to all parties as specified in the Procedures Order. The notice stated that any party wishing to submit comments or request a hearing in this matter needed to file comments with the Board within thirty (30) days of the date that the notice of the application was sent.

No comments or requests for hearing regarding the Project have been filed with the Board.

The Board has determined that the application and prefiled testimony have effectively addressed the applicable substantive criteria of 30 V.S.A. § 248. Consequently, we find that the

1. Order implementing standards and procedures for issuance of a certificate of public good for a temporary meteorological station pursuant to 30 V.S.A. §§ 246 and 248, Order issued March 9, 2010.

procedure authorized by § 246 is sufficient to satisfy the public interest, and no hearings are required.

III. FINDINGS

1. GMCE is a limited liability company involved in exploring the viability of wind generation at locations in Vermont. Joint panel pf. at 1-2.

2. GMCE has secured a lease for use of a portion of Ricker Mountain encompassing approximately .28 acres along the borders of the Towns of Waterbury and Bolton for use as the Project site. Joint panel pf. at 4.

3. The Project includes a lattice tower measuring 24 inches in width and 180 feet in height. The tower base will be leveled by forming concrete footings and will be pinned to the rock ledge. The tower will be secured with guy wires which attach at three locations, each at 125 feet from the base of the tower, utilizing rock anchors drilled and cemented into the ledge. A minimum of three anemometers and wind direction sensors will be located on the tower at heights of 110 feet, 145 feet, and 180 feet. Joint panel pf. at 6-7.

4. Access to the Project site will be over existing trails that currently provide access to a nearby communications tower, consequently the Project will not involve the construction of new roads or other access routes. Joint panel pf. at 7.

5. Clearing for the Project will be limited to the area around the base of the tower and along the guy wires. Clearing around the tower base will be restricted to tall woody trees; short shrubs and other vegetation will be left in place, and no earth disturbance will occur. Joint panel pf. at 8.

6. GMCE expects to gather approximately three years worth of data from the Project. Joint panel pf. at 8.

7. The Project will not have an undue adverse impact on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas. This finding is supported by findings 8 and 9, below.

8. The tower will be painted a neutral grey color, will not be lit, and will be difficult to see from a distance. Joint panel pf. at 12.

9. There are no rare or irreplaceable natural areas or historic sites within the vicinity of the existing telecommunications tower site where the Project will be located. Joint panel pf. at 12-13.

10. The Project will not result in any impact on sewage disposal, water supply, police and fire services, or any other factors relating to public health, safety and welfare. Joint panel pf. at 14-15.

11. The Project will not impact the public or quasi-public investment in any facilities or interfere with the public's use or enjoyment of or access to such facilities. Joint panel pf. at 15-16.

12. The Project will not unduly interfere with the orderly development of the region, with due consideration having been given to the recommendations of the municipal and regional planning commissions, the recommendations of municipal legislative bodies, and the land conservation measures contained in the plan of any affected municipality. The Project is consistent with the land conservation measures contained in the applicable town and regional plans. Joint panel pf. at 16-17.

13. The construction and operation of the Project will not result in undue air or water pollution. The Project will not produce emissions or noise and does not involve the discharge of waste or process water. Joint panel pf. at 13-14.

IV. DISCUSSION & CONCLUSION

Pursuant to 30 V.S.A. § 246(a), the Public Service Board ("Board") is required to "establish by rule or order standards and procedures governing application for, issuance or revocation of, a certificate of public good for the temporary installation of one or more meteorological stations under the provisions of section 248 of this title." Further, pursuant to § 246(c), in developing the standards and procedures, the Board "shall develop a simple application form" and "seek to simplify the application and review process, as appropriate, in conformance with this section."

Pursuant to 30 V.S.A. § 246(c)(3), the Board "[m]ay waive the requirements of section 248 of this title that are not applicable to meteorological stations . . ." Section 3 of the Board's

meteorological station application form, developed as part of the Procedures Order, requires applicants to provide a description of a project's impact with regard to the following criteria: aesthetics; historic sites; air and water purity; the natural environment; public health and safety; and public investments.

Further, pursuant to § 246(d), the Board is required to issue a proposal for decision on a project application within five months of receiving a completed application.

Based upon all of the above evidence, the application does not raise a significant issue with respect to the relevant substantive criteria of 30 V.S.A. § 248, the public interest is satisfied by the procedures authorized in 30 V.S.A. § 246, and the proposed Project will promote the general good of the State.

V. ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board of the State of Vermont that the installation and operation of a temporary meteorological station by GMCE at the location specified in the above findings, and in accordance with the evidence and plans submitted in this proceeding, will promote the general good of the State of Vermont in accordance with 30 V.S.A. §§ 246 and 248, and a certificate of public good to that effect shall be issued in this matter.

Dated at Montpelier, Vermont, this 15th day October, 2010.

<u>s/ James Volz</u>)	
)	PUBLIC SERVICE
)	
<u>s/ David C. Coen</u>)	BOARD
)	
)	OF VERMONT
<u>s/ John D. Burke</u>)	

OFFICE OF THE CLERK

FILED: October 15, 2010

ATTEST: s/ Judith C. Whitney
Deputy Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.